IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WA.No. 1753 of 2007()

AGAINST THE ORDER IN WPC.206/2007 Dated 24/05/2007
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APPELLANTS: RESPONDENT 1 & 2 IN THE WP(C):
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1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER,
MATTANNUR.

BY GOVERNMENT PLEADER SRI.BENNY GERVASIS

RESPONDENTS: PETITIONER & RESPONDENTS 3 & 4:
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1. R.K. SUDHEESH,
THERUR U.P. SCHOOL, P.O. EDAYANNUR,KANNUR DISTRICT

2. V.R. BHASKARAN,
MANAGER, THERUR U.P.SCHOOL, P.O. EDAYANNUR,
KANNUR DISTRICT.

3. AMERI PADMANABHAN,
PADMALAYAM P.O., EDAYANNUR, KANNUR DISTRICT.

BY ADV. SRI.M.RAMESH CHANDER FOR R1
ADV. SRI.K.V.PAVITHRAN FOR R2
ADV. SRI.P.P.ABDUL KARIM FOR R3

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ALONG WITH WP(C) NO.206/07 ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1753 of 2007 & WP(C)No.206 of 2007
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Dated this the 26th day of July, 2007.

JUDGMENT

Radhakrishnan,J.

Writ Appeal arises out of an interim order passed on 24th May, 2007 in W.P.(C) No.206 of 2007 directing the respondents to pay salary of the petitioner from the month of May, 2007 onwards. Learned Government Pleader submitted that learned single Judge is not justified in directing payment of salary, since petitioner's appointment is still to be approved. Request for approval of appointment of the petitioner was rejected by Ext.P2 order dated 29-3-2006 of the District Educational Officer and affirmed by Ext.P8 order dated 8-12-2006 of the first respondent. We are of the view that since the appointment has not been approved so far, it is open to the petitioner to file a revision before Government in the event of which, the Government will examine the request of the petitioner in the light of the judgment of this Court in **Manager St. Mary's H.S.** v. **Beji Abraham** – 2002(1) K.L.T. 406, and pass appropriate order.

Petitioner may file a revision petition within two weeks from today in the event of which, Government will pass orders within a period of six weeks thereafter.

Writ Appeal and the Writ Petition are disposed of as above.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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